

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JACOB T. COKER

PLAINTIFF

V.

CIVIL NO. 2:17-cv-02131-MEF

NANCY A. BERRYHILL, Acting
Commissioner Social Security Administration¹

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying his claims for disability benefits ("DIB") and supplement income benefits ("SSI"). The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c). The Court, having reviewed the administrative record, the briefs of the parties, the applicable law, and the parties having waived oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench, the decision of the Commissioner of Social Security is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

The Court does not find substantial evidence to support the ALJ's decision in this case. Remand is necessary to permit the ALJ to reconsider the following: (1) whether Plaintiff meets, or satisfies medical equivalence for, the requirements of Listing 12.05C; (2) the Plaintiff's RFC, and particularly the need for limited interpersonal contact and close supervision; and, (3) whether Plaintiff, with the limitations of a properly determined RFC, could return to his PRW.

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit.

On remand, the ALJ should order a consultative neuropsychological examination regarding the nature and extent of Plaintiff's cognitive impairment, complete with mental RFC. Should the ALJ be unable to locate a suitable consultative examiner in the area to perform a neuropsychological examination, then the ALJ is directed to order a current mental diagnostic evaluation and intellectual assessment, complete with mental RFC.

IT IS SO ORDERED AND ADJUDGED on this the 7th day of May 2018.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE